

# Hawaiian Gazette.

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HONOLULU, H. T., TUESDAY, MARCH 25, 1902—SEMI-WEEKLY.

WHOLE No. 2370.

## SETTLED OUT OF COURT

### Compromise in the Honolulu Case.

A COMPROMISE has been effected in the last of the Pearl Harbor suits, and if approved by the Secretary of the Navy, Admiral Merry may take formal possession of the Naval Station lands and begin the actual work of construction.

The compromise is in the case of the Honolulu Plantation Company, in which there have already been two trials, and in which there is now pending before Judge Estee a motion for a new hearing.

The terms of the compromise which has been submitted to the Navy Department are kept secret, and the only information given out here is that it was acceptable to all parties.

The first trial of the case of the United States vs. Honolulu Plantation Company resulted in a verdict for the defendant of \$105,000. This judgment was set aside by Judge Estee, upon the refusal of the company to accept a cut to \$75,000, and a new trial was granted.

On the second trial the jury brought in a verdict for defendant in the sum of \$103,523, which is but little less than the first verdict. The motion for a new trial on the part of the United States was filed Thursday, though the agreement between the parties had been reached several days before, and even then was on its way to Washington for the approval of the Secretary of the Navy.

Mr. Dunne said yesterday that negotiations had been pending for some time and the compromise was satisfactory to all parties. He stated that he was not at liberty to give out any information, but that the compromise was acceptable to the government.

Judge Silliman was likewise non-committal, simply stating that the Honolulu Plantation Company was satisfied with the terms of the compromise. He added also that there would be no change in the extent of the land taken by the United States for the Naval Station, and would not say whether or not the amount agreed upon was between \$75,000 and \$105,000.

Unless there is some other element involved in the compromise it can be set down for certain that the amount as finally agreed upon exceeds \$75,000, which is the amount Judge Estee offered to fix and which was refused by Manager Low. It is also quite certain that the amount is less than \$100,000, and the most likely figure is about \$90,000. Though nothing is known as to the nature of the agreement, it is possible that it may include some privileges for the Honolulu Plantation Company which might materially lessen the monetary consideration.

The offer of compromise, it is said, came from Admiral Merry, conditional, of course, upon the approval of the Navy Department. Though there is still an appeal pending in the Bishop Estate case, the government does not anticipate an overturning of the decision of Judge Estee, and the settlement in the Honolulu Plantation Company case means an end to all litigation in connection with the Pearl Harbor Naval Station.

The appropriation for the purchase of lands was \$150,000, though this was not the limit which could be expended for that purpose. The total appropriation for the naval station was \$750,000, of which the \$150,000 was especially designed for the purchase of a site. If the Navy Department approves Admiral Merry's action the actual work of construction at the Naval Station may be begun almost immediately.

The draft of the compromise was forwarded to Washington on the Alameda, and in the mean time the status of the case here is to remain the same, and there will be no further action in court until a reply is received. If it is favorable then the entire court proceedings will be dropped. The following stipulation and order in relation to the case was made yesterday by Judge Estee:

In the above entitled action, it is hereby stipulated and agreed between said plaintiff and petitioner and the Honolulu Plantation Company, one of the defendants and respondents above named, that, inasmuch as negotiations are now pending for a settlement of all matters of difference between said plaintiff and petitioner and said Honolulu Plantation Company, the status quo shall in all respects be preserved intact, until said negotiations shall have been fully concluded, and that all matters now pending between said parties, in said cause, stand continued until said negotiations shall have been fully concluded; and that each of said parties shall have twenty days from and after the conclusion of said negotiations within which to take such steps in said cause as may be advised, and that neither of said parties shall in any way be prejudiced by the lapse of time, change of term of said court or any other cause or reason whatever; and that each of said parties may do or perform within said period of twenty days hereinabove referred to any matter, step, act or thing with as full and complete legality and efficacy as if such matter, step, act or thing was done within time, or within the term of court at which the verdict in the above

## THE STRENUOUS LIFE IN HAWAII-NEI



TONS OF WATER FALL IN NUUANU VALLEY.



ALPHONSE AND GASTON IN HAWAII.



## DUTIABILITY OF GOODS FROM HAWAII PASSED UPON

(Special to the Advertiser.)

SAN FRANCISCO, March 12.—A special dispatch from New York says:

In view of the Supreme Court decision that the Hawaiian Islands and Porto Rico were not foreign territory subsequent to their acquisition by the United States, Judge Somerville and General Appraiser Howell, constituting the majority of the Classification Board of General Appraisers, declined jurisdiction over a case involving a question of the dutiability of merchandise from Hawaii which was entered at the port of San Francisco in September, 1900. The remaining member of the Board, General Appraiser Fischer, however, maintained that as the protestants in the case had made an alternative claim of erroneous classification of the goods under the provisions of the tariff act it devolved upon the board to determine whether the entry was subject to the tariff in order to adjust the rate and amount of duty, if any, according to the status of the transaction.

In the majority opinion, written by Judge Somerville, the board held that the Customs Administrative Act, from which the general appraisers derived their judicial powers, does not confer upon them the authority to determine other than that which is imported from a foreign country and that it was not within their prerogative to pass upon the status of the territorial acquisitions of the United States.

The subject of this controversy consists of 100 tons of scrap iron which was consigned to the Judson Manufacturing Company at San Francisco. The collector assessed duty on the entry at the rate prescribed in the tariff act for goods of this character, and cited as his authority for so doing section 82 of the Act of April 30, 1900, providing a government for Hawaii.

The protestants claimed that the merchandise was properly exempt from any tariff on the ground that their entry did not constitute an importation. They furthermore maintained that the goods were not properly subject to duty as being of American production, having originally come from the United States. The board held that the preliminary question to be determined was whether the jurisdiction of the general appraisers extended to cases of this character to admit of their considering the issues involved. In support of their negative decision they cited Supreme Court rulings wherein it was held that the board could not adjudicate any question over merchandise transported from one part to another of the United States; that the authority of the board covered solely imports and that unless the goods came from a foreign country an importation had not been effected. The court in one of these cases held

that the aggrieved parties had resort to either a United States Circuit Court or a Court of Claims.

General Appraiser Fischer rendered a dissenting opinion. Mr. Fischer concurred with his colleagues on the sole question of jurisdiction, referring to cases which arose over protests against the collection of duty on merchandise brought into the several States of the Union from Porto Rico and the Philippines subsequent to the signing of the peace protocol with Spain at the conclusion of the war, and in the case of Porto Rico prior to the promulgation of the Foraker Act. The latter, it will be remembered, imposed duties on merchandise to and from the several States and the territory of Porto Rico at a uniform rate, equal to 15 per cent of the duties prescribed by the Dingley tariff act. These cases were all dismissed by the board, and many of them have since been disposed of by the United States Circuit Court, in accordance with the Supreme Court decision that during the interim above mentioned Porto Rico was not a foreign country, and the Dingley Act, which provided a tariff on imports from foreign countries, could not constitutionally apply to goods coming from the island. General Appraiser Fischer, however, held that the board was constituted to decide all questions of value, classification and rate and amount of duties. He was, therefore, of the opinion that as the protestants had raised a question of classification by their alternative claim, the board was authorized to assume jurisdiction over the one issue so as to properly determine the other, which was clearly within their prerogative.

Proceeding then in controversy of the majority ruling, Mr. Fischer cited the decision of the Supreme Court that the Hawaiian Islands ceased to be foreign territory upon the passage of the Act of April 30, 1900, whereby Congress provided a government for that Territory, bringing it into the possession of the United States. He then referred to the court's ruling on the Foraker Act, that the nominal tariff imposed thereby between the island of Porto Rico and the United States was not constitutional and holding that Porto Rico was not a part of but a territory belonging to the United States. Mr. Fischer concluded that the status of the Hawaiian Islands under the Act of April 30, 1900, was analogous to that of Porto Rico under the Foraker law, so far as pertained to the question at issue.

Concluding this point, Mr. Fischer then took up the contention of the Judson Manufacturing Company as to the origin of the merchandise, and pronounced it not well founded, as he believed the evidence was not sufficient to constitute proof of American origin as required by Treasury regulations. He determined that the latter claim of the protestants should therefore be overruled.

## THERE MAY BE A COMPROMISE

WASHINGTON, March 13.—Late this afternoon the work of harmonizing the conflict over Cuban reciprocity had progressed so far that a committee of conferees or arbitrators, representing the two sides of the controversy, assembled to frame a compromise agreement.

The meeting occurred in the Ways and Means Committee room, with Chairman Payne and Representatives Dabell and Cannon present in behalf of the Ways and Means reciprocity element, while five members of the opposition, namely, Representatives Metcalf of California, Dick and Taylor of Ohio, Fordney of Michigan and Morris of Minnesota acted as arbitrators in behalf of the Republicans who had resisted the Ways and Means original plan of 20 per cent reciprocity for an unlimited period.

The conference lasted about two hours, and was not productive of final results, an adjournment being taken until 2 p. m. tomorrow.

WASHINGTON, March 14.—Members of the Ways and Means Committee stated with positiveness today that the conference now in progress would result in a compromise agreement in the Cuban reciprocity issue, probably on the lines of 20 per cent concession for one or two years.

On the other hand, some of the conferees representing the element opposed to the Ways and Means Committee stated that while an amicable adjustment undoubtedly would be reached, there would be no consent to any plan involving a reduction of tariff. Representative Fordney of Michigan, one of the conferees, takes this view, and has favored the conference plan by which there should be 20 per cent reduction of the Cuban duties on goods going into Cuba and in return the payment to Cuba out of the United States Treasury of an amount equal to 20 per cent of the duties on Cuban goods coming here.

Fordney holds that this will give the desired relief without involving a reduction of duty. The plan is somewhat similar to the rebate proposition heretofore presented, except that this payment is to go direct to the Cuban government instead of the planters.

The conference lasted from 2 until 5 p. m., and at its close Chairman Payne, who had been delegated by both sides to give out a statement, said that after further consideration of the subject the conferees had come to no conclusion and had adjourned until 2 o'clock tomorrow afternoon.

It is understood that much of the time was given to an argument by Morris of Minnesota on the constitutionality of a rebate. Individually the members, after the meeting, said that the prospects for an agreement were good, but that the form of the agreement was still in doubt, no one plan yet having shown its advantage over the others. No votes were taken at the meeting today.

Secretary Shaw will discontinue the purchase of outstanding government bonds, because they are held at too high a price.

## DOLE SEES NO DANGER

### Government Doing Well Despite Drawbacks.

Governor DOLE now expects to be absent in the States during the visit which he will make, for about two months. After his stop at Washington, and the completion of the business which takes him to the Capital, it is the plan of the Governor to make several visits to friends, going as far East as Boston. While he has set no date for his return, Governor Dole does not expect that he will be detained longer than two months. Mrs. Dole will not accompany him.

"The government is in excellent condition in view of its lean purse," said the executive yesterday. "But for the storms which have caused such losses in Hamakua and Kohala, with the damage done at Hilo and in various parts of the Islands, our financial condition would be quite satisfactory, though of course we would have liked to carry through many improvements which must be kept back for the present. We now estimate that there will be funds to carry on the work of the several departments well into the summer, and it may be that we can go ahead without the necessity of having recourse to the issuance of certificates until August. There will be a period of perhaps three months then until the realizations from taxes relieve this condition."

"I can see now no reason for any change in my belief that an extra session of the Legislature is not necessary. The government has decided that certain work can be carried through, and this work can all be accomplished without any serious drawbacks. Improvements which have been contemplated and which we would like to see pushed along, have had to be set aside for the present, and we are running along on the plan devised to carry us through until appropriations by the next Legislature are available."

"The only appropriation which will not be sufficient to carry through the period is that for the courts. The inordinate drafts upon it have exceeded a proportionate demand and it does not appear that it will be sufficient to last through the two years. There is no other appropriation from which money can be carried to the credit of the courts. The only way in which work may be carried on is for the men who are summoned to wait for their pay until there is a subsequent appropriation made."

"While there are others who could tell you more of the state of politics I have given the subject some thought and I believe there will be some change in the alignment when the next election comes along. The leaders here in Honolulu do not make the party. After the promises made two years ago by the opposition leaders here, and their lack of fulfillment in the Legislature of last year, they cannot but go into the campaign this time with a great loss of prestige. This will be felt in the outside districts, perhaps more than here."

"I have been reported as ordering that public officials take no active part in politics. This is hardly the case. I called the attention of one of the heads of department to the position of President Roosevelt as to active participation in party organizations of men whose offices make them conspicuous public servants. I have always held that the men who are at the head of departments are servants of the entire people. They should be in sympathy with the executive, so that the government may move along to the accomplishment of its policy, which could not be the case where there was a lack of sympathy between the men at the head of affairs. This, however, lessens as you go down the line of responsibility."

"I have no plans for my visit to Washington. I have been summoned there and shall go equipped to answer any queries and to set forth the position of the government fully. There does not seem to be a great deal affecting Hawaii before the Congress at this time. I am greatly interested in the land question, but, of course, there does not seem to be any bills which are likely to pass bearing upon this subject. I have heard that Commissioner of the General Land Office Hermann may come here for a visit during the summer. We should have him here if possible, for he would be able to understand the many sides to the local problem, which are difficult to one who has never seen the Islands and the lands. Of course I shall urge upon him the making of the trip if possible, as I believe it will be of great value to us to have his advice and his help in the shaping of legislation in the future."

### Hotel Street Widening.

Arrangements were completed yesterday whereby the extended sidewalk in front of the Elite building will be cut down to the regulation width and Hotel street widened to its full proportions. This removes every obstruction in the block between Alakea and Union streets, except the old building at the immediate corner, which it is understood will come down very soon. The Rapid Transit Company will put in its ornamental iron poles at once and the telephone and electric light poles in the block will be moved back immediately.



# HARTWELL ON HAWAII

## The Situation as Described By Him.

THE Washington Star of March 18 has the following of recent interest:

The disturbed condition of Hawaiian politics, from which has developed a movement on the part of certain seemingly irresponsible elements in Hawaii to have Gov. Dole removed by the President, is interestingly discussed for readers of the Star by Gen. Alfred S. Hartwell, a prominent member of the Honolulu bar, who is now in Washington.

Although Gen. Hartwell has been a resident of the Islands and an active participant in Hawaiian national affairs since 1885, he is nevertheless a typical American, broad in his views and interesting in his conclusions. His experience in the Islands fits him to speak on any phase of life there. He went there to accept a position on the Supreme Court bench, which position he occupied for six years, when he became the first attorney general for King Kalakaua, and occupied that position for two years. Since 1878 he has given his entire attention to his law practice and other private matters.

Gen. Hartwell holds Gov. Dole in the highest esteem and does not hesitate to ascribe the present attacks on that official as made purely from selfish motives on the part of certain political schemers who are looking for self-aggrandizement.

### ONE CAUSE OF THE TROUBLE.

"I think that a large portion of the trouble in Hawaii," said Gen. Hartwell, "has been caused by white men who have gone there since the overthrow of the monarchy, and who have never affiliated with those who paved the way for annexation. They have kept alive and stirred up resentment against what they term the 'robbers of their country,' and have worked up the charge of being un-American against Mr. Dole and his friends. And singularly enough they have caused the impression to be generally felt that they were sustained in their charges by the administration in Washington."

"The element I refer to by no means includes all of our new American residents, for there are many who are the sturdiest and finest representatives of American life and character. But I mean those who think they see the opportunity of working on the credulity of the natives to obtain power and positions for themselves, and who would not hesitate a moment to improve any opportunity to loot Hawaii."

"This class of men constitutes the faction which has worked up all the trouble there, and which has to be met and overcome by the conservative element. Whatever shall be done, it certainly goes without saying that nothing ought to be done to injure or to humiliate or to harm the party of good government, which undoubtedly is represented by Gov. Dole."

### CHARACTERISTICS OF MR. DOLE.

"My acquaintance with Mr. Dole began in 1885, the year I went to reside in Honolulu, and was always intimate, whether we would meet each other every day or not for months, it did not matter. We knew each other, and that was enough. I knew that Dole could always be depended upon to do whatever seemed to him to be right, regardless of consequences to himself or his friends."

"During the time when I sat on the bench of the Supreme Court and Dole was a practitioner at the bar, and when I was attorney general, and in later years when our positions were reversed, he being Justice of the Supreme Court and afterward President of the Provisional Government and of the Republic of Hawaii and then Governor of the Territory, in all these relations there was nothing which occurred to lessen our friendship. It might be supposed that official favors would sometimes have been exchanged between us, but I do not recall a single instance of that kind. There was nothing in our intercourse which could not have well been published on the house-tops. No confidences were given, nor desired, by either of us in such matters. Those who think that friendship involves official favoritism would have no use for me. I have often felt that my friendly relations with him deprived me of opportunities to get for myself and clients things which I was entitled to. But I think of Dole as a man of transparent life and character, who cannot do evil and who cannot think it."

"For several years during the Monarchy we had in Honolulu what would now be termed a good government. In those days Dole and myself, with one or two others, ran a newspaper for the purpose of promoting wholesome public sentiment. When the time came for establishing a new constitution in Hawaii and formulating a constitution fitted to conditions there, those earlier studies and ideas showed good results."

"Governor Dole is a man of superb courage. I never saw him do anything for effect. He never posed, even to himself. I can understand that some people might regard him as too much of an idealist for plain, every-day politics; that he does not care to reward his friends or punish his enemies. I imagine that he does not feel that way, but I believe he is the most accessible of men—unless it is for schemers."

### NATIVE HAWAIIANS TRUST HIM.

"The native Hawaiians—say what they may for political effect—trust and believe in him. They know very well that he is their friend. Of course, the bitter resentment at the loss of their monarchy and nationality, which was perfectly natural, has not died out, and he, as the head of the party which dethroned the Queen and made annexation a possibility, has had to bear the brunt of political attacks. Nothing was ever said, however, or truthfully could be said, against his absolute integrity or against the purity of his motives."

"The charge has been made against Governor Dole that he hesitated and vacillated on the question of Hawaiian neutrality during the Spanish war. I know the facts perfectly well. As soon as we heard of the war, President Dole called together twelve or fifteen leading Americans and asked them what they thought ought to be done. It must be remembered that Hawaii was then an

unsubstantiated accusation, having been made by a man who had been in Honolulu for only a few days, and who had no knowledge of the situation in Hawaii. The accusation was made in a newspaper, and was repeated in other newspapers. It was a purely malicious and untrue statement, and was never taken seriously by anyone in Hawaii.

"The opinion which was expressed in some circles, most of them being prominent in Hawaii, of disapproving Dole's action in the Spanish war, was a purely malicious and untrue statement, and was never taken seriously by anyone in Hawaii. The opinion was made in a newspaper, and was repeated in other newspapers. It was a purely malicious and untrue statement, and was never taken seriously by anyone in Hawaii."

"Mr. Dole's action in this matter is characteristic of the man. He is a man of the highest integrity, and his action was purely a matter of principle. He was not influenced by any personal considerations, and his action was purely a matter of principle. He was not influenced by any personal considerations, and his action was purely a matter of principle."

"One of the most ardent annexationists in Congress when asked by Mr. Hatch what he thought ought to be done about neutrality before any action had been taken replied emphatically, 'Stay as you are.' Whether that gentleman thought that such a course would precipitate annexation or not, I do not know. Probably he did."

### RELATIONS WITH THE LEGISLATURE.

When asked what Gov. Dole's attitude toward and relations with the Legislature of Hawaii were, Gen. Hartwell replied:

"The first Legislature of Hawaii represented the strong reaction of the Hawaiian race, and was made up largely of irresponsible men. Many of the Hawaiian voters had been brought to think that the Legislature could place the Queen in Gov. Dole's place. They believed, also, that the Islands ought to be placed under municipal forms of government, with towns, cities and counties each supplied with a competent officer of paid officials. There were not wanting men to tell the natives that this was the American method, and that Dole, in vetoing a crude and preposterous municipal government bill which had been run through the Legislature, was hostile to American institutions. And this has been the basis, so far as I can learn, of the main charge against him."

"The Hawaiian senate, which is composed of fifteen members, fortunately had a majority of one among its conservative members, and between that small majority and Gov. Dole the Territory has been saved from disastrous legislation. But Dole himself had to take upon his shoulders all the calumny and abuse which unscrupulous ingenuity could invent."

### PUBLIC LAND MATTERS.

"Some of the newcomers in Hawaii have wished the public lands thrown open for settlement, and claim that Gov. Dole has favored large land owners instead of small. This claim is absolutely unfounded. Mr. Dole for years had sought to obtain legislation which would favor small land holdings, and it is only under natural conditions, as, for instance, the difficulty of obtaining a market for small crops and the enormous expense attending the production of sugar, which is the main industry of the Islands, requiring large areas of land with very extensive irrigation systems, that it is only these conditions which have caused so small a degree of success to Dole's efforts in the direction of small land holdings. But, all the same, he is charged with being un-American in his views regarding public land matters, and this charge is wholly untrue."

### STATE OF THE JUDICIARY OF HAWAII.

Gen. Hartwell was questioned concerning the conditions of the Judiciary of the Islands and whether the judges participated in any extent in politics. "This is a question," he replied, "which I earnestly hope will receive in some way at some time the fullest consideration at the hands of the President. I prefer now not to express myself on the subject, partly because I feel so strongly to harm that has been done in Hawaii that connection that I might easily appear to be exaggerating it, and partly because I feel that I should undertake to go into detail."

Judge Hartwell expects to shortly return to Honolulu and resume his law practice.

### THE STAR'S COMMENT.

Editorially the Star comments on the above as follows:

With the arrival of Governor Dole in Washington, a President Roosevelt will be in a position to judge the Hawaiian situation accurately and justly. He is concerned with a peculiar problem of executive adjustment, and unquestionably Gov. Dole's experience and personal character will give great value to his advice. In another part of the Star today will be found an interview with General A. S. Hartwell of Honolulu, an old resident and one of the foremost in the ranks of the bar of the Islands. He gives an estimate of Mr. Dole which reverses the popular character of the man and the honesty of his motives as President of the Island Republic and as Governor of the American Territory. The interview with Mr. George Carter of Honolulu, who has come here for the special purpose of advising the President upon the insular situation. In the course of that talk Mr. Carter paid high compliments to Governor Dole and described the predicament which the extension of the suffrage to the natives without sufficient qualification has caused.

A mistake was made at the outset in giving in spite of protests too broad a vetoing power to the natives. It is to be presumed that this mistake will not now be rectified by an amendment to the Organic Act. Congress seldom moves backward in such matters. One consequence of a mistake was to enable certain escape-burgers in Honolulu, who were there for what there was in the political game, for them, to mislead the natives and use them for their own selfish purposes. Much of the disorder and incapacity of the native-ruled Legislature can be attributed to this element. Just as much of the friction which now exists between Hawaii and Gov. Dole and the active is to be traced to these men. The problem which is now to be solved is to adjust administrative affairs in the Islands so as to reduce to a minimum the friction between the Territorial Government and the natives and also the power of the scheming whites to make mischief.

The President can materially promote Hawaiian welfare by causing the resignation of those Hawaiian judges who have been perniciously active and conspicuously offensive as disturbers in Hawaiian politics, and have taken advantage of their judicial powers to play the petty despot in political quarrels. In

# BURGLED WOODS SHOT AND TAKEN ON PUNCHBOWL

## A Duel in Which the Deputy Marshal Scores.

(From Monday's daily.)

**A**FTER evading the police for ten days, during which time he lived the life of a hunted thing among the algaroba and lantana thickets which clothe the foothills back of town, Woods, the escaped negro convict, was brought to bay yesterday morning in the crater of Punchbowl, and was captured after the expenditure of many rounds of ammunition by both sides.

The battle was not a bloodless one, for a bullet from Deputy Sheriff Chillingworth's revolver, fired when the life of the latter was in imminent peril, shattered the thumb socket of the fugitive's left hand.

The police got the tip as to Woods' whereabouts yesterday morning about 11:45 o'clock. It was brought to them by a man who said that an hour or so previously Woods had broken into the house of the old watchman at the Kewalo quarry, and after helping himself to some food and a suit of denim, had made off in the direction of Punchbowl. He had a revolver with him and threatened that he would do for the aged inmate of the house should he attempt to thwart his ends.

On receiving the news, every available officer was requisitioned and armed with a revolver or a rifle. Jim Kunihe was put in charge of one band, while the deputy sheriff in person commanded the other. Four mounted patrolmen were also of the party.

With Chillingworth went Captain Kane and Officers Ah On, Alfred Moesman and Barney Joy.

Just as the posse was starting out Kaula, the gun sergeant of the force, arrived at the police station and breathlessly vouchsafed the information that he had come across Woods on the top of Punchbowl and disturbed him as he was playing solitaire on a rock near the flagstaff. He fired a shot at the convict, which was returned. Then Kaula's gun refused to work and he was forced to retreat. When he had told his story he was commanded to guide Chillingworth to the spot where he had seen Woods last.

When Punchbowl was reached Kupfies and his men went around the Waikeiki side of the crater, the Deputy Sheriff and his party round the Ewa side, while the mounted patrolmen proceeded mauka in order to cut off escape in that direction. By these tactics Punchbowl was practically surrounded by an armed cord.

Kaula without any hesitation led the way to a spot just off the road, which runs Ewa of the crater. There in the soft earth were found unmistakable tracks of the negro's footsteps. Broken branches of lantana were also noticeable, and these and the footmarks plainly showed that Woods had retreated into the lantana thicket, which extends from the center of the crater clear down the mauka slope of the hill.

The Deputy Sheriff, convinced that at last he was within striking distance of his man, plunged into the brush and was soon following a well-developed trail. He had not proceeded far before he found in a little gully a pack of cards which had evidently dropped out of the convict's pocket. These were the cards he was playing solitaire with when seen by Kaula.

After going about fifty yards further the Deputy Sheriff paused to take a rest and looked back to see where the rest of the party were. Suddenly the crack of a revolver, fired at about ten yards' distance, rang in his ears, and a cloud of smoke rose before his eyes. Wood at last had been run to ground.

When the smoke cleared away, Chillingworth saw Woods emerge from behind a bush preparatory to taking flight. Quick as a flash he took aim with his revolver, and fired, and the ball struck Woods in the left hand, mashing the thumb. The negro fell over as though mortally wounded, and Chillingworth, fearing a subterfuge, retreated a few yards to the shelter of a tree, and waited until Captain Kane came up.

When Woods saw this he started off again, holding up his injured hand as he went. Both parties exchanged several shots, and finally Woods shouted out, "I'll give up if you'll get me out of here." To this Chillingworth responded, "Drop your gun and we won't shoot any more. Woods then threw his revolver on the ground, and Chillingworth rushed toward the lantana to seize his man. Meanwhile, Captain Kane kept tab on the negro's movements from a tree-top.

Presently Kane shouted to the Deputy Sheriff that Woods was reaching for his gun. "If you do that again you're apt to be killed," said Chillingworth, and Woods did not make any such break again, but remained passive until he was grabbed by Chillingworth and placed in a hack which was sent for, and taken to the police station, where his injured hand was dressed by Dr. Cooper. All Punchbowl seemed to have turned out at the sound of the firing, and when the negro was finally driven to town a crowd of about three hundred persons were on the spot.

At the police station Woods said that he had not premeditated escape, but found himself an escaped prisoner before he knew it. He said that he went to get a drink of water when working at the quarry with his fellow prisoners and as no one appeared to notice him, he thought he would walk to a house nearby and get something to eat. This he did and once clear of the quarry liberty loomed up very large and clear to him, and he resolved to make a bold fight for freedom. This resolve prompted him to take along a cane knife when he left the quarry.

respect to the controversy between the Governor and the Home Rule Legislature the slightest examination of the propositions and acts, or rather antics, of that remarkable body will produce the conviction that inability to assent to its proposals and to harmonize with it is no discredit, but rather an additional evidence of intelligence and integrity in the Governor, whose veto was all that saved Hawaii from manifold disasters. The pressure which is to produce Republican harmony will evidently be wisely applied to the Legislature and not to the Governor. The statement which has produced the greatest injury and demoralization in Hawaii, and the greatest encouragement there, is the untruth which represents the President as having decided in advance against the "misallotary party" and in favor of the royalist natives in or out of the Legislature and the carpet-baggers on or off the bench of Hawaii.



Deputy Sheriff Chillingworth, who captured Woods.

Woods escaped on Thursday, the 13th inst. From then until last Tuesday, according to his own story, he hid in the lantana in Maunaloa valley by day, occasionally venturing into town at night. Last Tuesday night he says he walked down Punchbowl street, to the Pacific Mail wharf, where the Coptic was lying and tried to get on board. He recognized such a number of officers in civilian dress on the wharf that he speedily concluded that it was hopeless to attempt to board the vessel without being discovered. He also says that he tried to get a job on board the ship A. J. Fuller, lying at the Railway wharf, but without success.

When in jail at Hickory, the negro burglar, told him where his revolver was hidden, and one day last week Woods was in search of it. He found the weapon in a lodging house close to the brick wall. Queen street, being guided to the spot by Hickory's wife, who resides at Fisher's joint, also on Queen street. He says he slept one night at Fisher's place. The night he went and got the revolver he bought some papers and a glass of beer before he took to the woods again. Asked as to how he obtained the necessary money, he ambiguously replied that he took it.

Woods says that one night he stood outside the police station on the opposite side of the street and had a good mind to give himself up, but thought better of it. The police do not credit this, however. On Saturday night last he says he again came to town and tried to get on a vessel. Referring to his other doings on that evening, he jokingly remarked to the Deputy Sheriff: "Yes, sah, I had a good mind to call at your house and try and borrow five dollars from you. I guess I'd have got it."

On Saturday he says he tried to enlist on the transport Hancock, but was told that they could not recruit on board. "One night," said Woods, "that old Cap. Bowers had his bicycle lantern light in my eyes and then he couldn't see me, I was scared to move and just kept staring at the light until the old cap went away."

When Woods was captured he was clad in a grimy suit of overalls, and looked a typical coal passer. He was detained at the police station last night, and every precaution taken to prevent his escaping a third time.

Woods came to the country over a year ago to work on a plantation, and his career while here has been a troublesome one. About nine months ago he broke into the plantation store at Spreckelsville, Maui, and got away with the safe containing \$1,000. He was arrested on board the Claudine, just as the steamer was about to leave Honolulu.

Woods was charged with burglary in the first degree, and after being committed for trial at Waikiki was brought to Honolulu. One day he escaped from Oahu jail and got into the lantana at Kailua, where he was retaken by a posse of officers who had the drop on him.

Judge Kalua tried his case and sentenced him to life imprisonment. Not long after being sentenced he attacked the jailer at Waikiki jail, in a desperate attempt to escape and nearly choked him to death. For this he wore a ball and chain for three months and was on his good behavior until last Thursday week, when he escaped from the convict gang breaking rocks in Kewalo quarry.

Woods is about 28 years of age, 5 feet 8 inches tall, and powerfully built. The heads of the police department breathe more freely now that he is captured and the members of the force who have been looking for him day and night for the last few days will take their regular intervals of repose as of yore.

### Island Sugar Returns.

Reports from the Island sugar plantations continue to come in as the annual meetings are held in Honolulu. The Paauhau statement to hand shows that the plantation, with a crop for 1902 of 2000 tons, at \$60 per ton, should bring in \$120,000, which, with a surplus of \$64,946.29 on hand, gives a balance in treasury of \$174,946.29. The expenses for the year are estimated at \$240,000, leaving a deficit of \$70,000, to be met by an incoming crop for 1903 of 7500 tons, valued at \$120,000, or a clear \$350,000 after meeting the deficit. This exhibit is offered in evidence of the profitable nature of the sugar business in Hawaii and the recuperative powers of a plantation, which, like this, was so badly handicapped for a time by dry season and labor troubles. At the Honokaa meeting the manager's report showed that owing to the drought the crop would be about \$800 tons, while the outlook for the crop for the next two years is very good. The following officers were elected to serve for the ensuing year: Mr. F. C. Schaefer, president; Mr. W. H. Baird, vice president; Mr. Edw. A. Pollitz, second vice president; Mr. W. Lantz, secretary; Mr. H. Schwartz, assistant secretary; Mr. H. Focke, treasurer. The other directors are: Messrs. Edward Pollitz, H. Schwartz, E. A. McInerney, F. Lewis

and W. L. Hopper. Late news from Paauhau is to the effect that a general drought exists on the Island of Maui. So far there has been no injury to the crops, and now is anticipated, unless the drought should be of long duration. The Hawaiian Commercial and Sugar Company's plantation is also located on this island.—News Letter.

Harry Chamberlin for the past year mechanic-operator in charge of this paper's linotype on the night shift, leaves for San Francisco tomorrow by the steamer to accept a similar position on the San Francisco Commercial News, that paper having recently installed a plant of linotypes. Mr. Chamberlin has made many friends on the beach, and his departure is much regretted by them.

## DOAN'S BACKACHE KIDNEY PILLS

Which is Better:—To Try an Experiment, or  
Profit By a Honolulu Citizen's  
Experience?

Something new is an experiment. Must be proven to be as represented. Be successful at home or you doubt it.

The manufacturer's statement is not convincing proof of merit. But the endorsement of friends is. Now, supposing you had a weak back.

A lame, or aching one. Would you experiment on it? You will read of many so-called cures.

But they come from far-away places. It's different when the endorsement comes from home.

Always remember, Home endorsement is the proof that backs every box of Doan's Backache Kidney Pills.

Mr. H. S. Swinton, of this city, says: "I was a long sufferer from backache, having been afflicted with it for twelve years. Taking this as a symptom of kidney trouble, and seeing Doan's Backache Kidney Pills advertised as being good for complaints such as mine, I procured some of them at the Hollister Drug Co.'s store. I found upon taking them that they were doing me good, and was thereby encouraged to keep on until now I am cured of the backache. The merits of Doan's Backache Kidney Pills have been strikingly shown in my case, and I recommend them to other sufferers."

Doan's Backache Kidney Pills always have the picture of a leaf on the wrapper. In asking for Doan's Backache Kidney Pills ask for the kind which cured Mr. Swinton, and see that the leaf is on the wrapper.

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

## 30 CENTS THE DOZEN FOR Komel

A pure, delicious and healthful drink made from the juice of California Grape Fruit. Non-alcoholic. Delivered free at thirty cents per dozen.

Telephone Main 71.  
Consolidated Soda  
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## Pure Brewing Methods

Are found at the Honolulu Brewery. There's new vigor and strength in every drop of

## Primo Lager

And not a bit of harm in a barrel. Order a case from the brewery for home use.

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## HAVE YOU SEEN THE Crescent Safety Razor?

The "Safety Razor" is getting to be used universally and gradually taking the place of the ordinary one. It ensures a clean, smooth shave, without danger of cutting and the most inexperienced person can use it with perfect ease. The Crescent razor is a good article and

## Costs Only \$1.

If you don't want to change to using a "safety razor," try one of our justly celebrated "Bengali" blades at \$1.50 we assure satisfaction.

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## At \$32

It is hard to advertise prices on these goods because you must see them to appreciate the values. The above set consists of seven pieces, and is really elegant for the price. We can give you cheaper ones if you want. Have good sets at \$22. Our prices this week on

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will astonish you. Come and see what we offer. Full line of Leather Chairs and Couches, Directors' Tables, Veranda Chairs, Parlor Tables, Bookcases, China Closets, etc.

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Honolulu.











# HOW THE CIRCUIT COURT HAS LET OFFENDERS GO

## Over a Hundred Penal Cases Dismissed on Technical Grounds by Two Judges.

History of alleged criminals, and minor offenses, discharged by Judges Humphreys and Gear on technicalities.

By Gear. By Humphreys.

Malicious Injury	1
Murder	1
Manslaughter	1
Rape	1
Assault and Battery	1
Liquor Selling	1
Gross Cheat	1
Profanity	1
Enslavement	1
Solicitation	1
Forgery	1
Practicing Medicine	1
Without License	1
Violating Opium Law	1
Gambling	1
Headless Driving	1
Larceny	1
Threats	1
Unlawful Trespass	1
Burglary	1
Sorcery	1
Desecration	1
Riot	1
Vagrancy	1
Mayhem	1

69 41

THE ADVERTISER presents this morning a list of the criminal cases dismissed by Circuit Judges Humphreys and Gear on technicalities since their advent on the bench. The list is not complete and there are omitted a large number of cases of similar character in which the Attorney General was compelled to enter a nolle prosequi by reason of the rulings of the circuit judges. Particularly is this true in liquor cases and opium cases, the latter law being declared unconstitutional by Judge Humphreys.

The list of 110 cases dismissed as given below, does not include, for instance, the numerous liquor cases, in which the evidence consisted largely of that offered by the police. The circuit judges instructed the juries to disregard such evidence (though in the States the United States authorities rely wholly upon similar testimony), and which practically was a direction to return a verdict of acquittal.

The list does not include the cases where sentence was suspended, this being done generally upon a motion of the Attorney General at the request of the court. Judge Gear's reluctance to send defendants to Oahu prison is responsible for another big batch of petty offenders being free today, who are not enumerated in the list.

In the cases of boys whose place properly was in the Reform School Judge Gear suspended sentence, holding that he did not have the same powers as the district magistrate, though both Humphreys and Judge Robinson have held that Circuit Courts have the same jurisdiction. Judge Gear has far outclassed Humphreys in his attitude towards the criminals brought before him. He has released altogether sixty-nine defendants, though on the bench less than a year, and the majority were for the most serious crimes.

The record shows that he released sixteen defendants charged with murder, four previously convicted of manslaughter, and three of rape. It is true that some of these men were released several times by Judge Gear, for the second judge left no stone unturned to give the assorted aggregation of murderers and rapists their freedom, and it was only by the activity of the police that they are now safe behind the bars.

In these habeas corpus or transition period cases Judge Gear not only released the defendants originally on the ground that they had not been legally convicted, but when new indictments were brought in accordance with his own ruling, he again released them, on his own motion drawing a jury and directing it to return a verdict of acquittal, denying every request of the Attorney General for a continuance, though the case which will decide the constitutional question eventually is now pending in the United States Supreme Court. By his arbitrary action Gear will turn loose upon the community all these men convicted once before of heinous crimes (some of whom pleaded guilty) in the event that the Supreme Court sustains Judge Estee's decision. As these men were regularly indicted and released by Gear, there is nothing to stand in the way of their liberty. If the first conviction is held to be illegal, as they cannot be again placed in jeopardy for the same crime. Knowing this the attorneys have made no further attempt to secure the release of their clients and are now awaiting the Supreme Court ruling.

The list of criminals released upon technicalities includes some in which the circuit judges held diametrically opposite views. Gear released Crisp McCarthy on the ground that mayhem was not a crime within the meaning of the statutes, though Humphreys but a short time ago had sentenced a man to prison under an exactly similar charge. Both Gear and Humphreys have held that there could be no appeal from a plea of guilty in the District Court, yet in spite of that Judge Gear released four girls charged with vagrancy who had been arrested upon the premises of the Honolulu Investment Co., though they pleaded guilty before Judge Wilcox.

The information given herewith was obtained with great difficulty. An effort was made to obtain the statistics from the records of the Circuit Court, but this was prohibited by Judge Gear. He stopped the reporter who was at work upon the criminal docket containing the clerk's minutes, with the remark that the records did not become public property until signed and ap-

### JUDICIAL UTTERANCES.

**Success to Crime.**  
You may go; I might have stolen a \$10 bill myself at thirteen. Better defend those Negroes, Mr. Davis. You cleared them once.

proved by the judge. Though the record dates back nearly two years Judge Humphreys has signed it but one term, and Gear's record has not been made up as yet.

Below is given the list of cases dismissed by Judge Humphreys and Gear on technicalities, giving the date of dismissal of the charge, and where it could be learned the reason given by the court therefor.

Forty-one criminal cases dismissed by Judge Humphreys on technicalities, between August 10, 1900, and Dec. 10, 1901.

**LIQUOR SELLING**—Aug. 10—W. J. Ottman—Selling liquor without a license; complaint quashed.

**SORCERY**—Aug. 15. Koleka—Discharged upon demurrer.

**LIQUOR SELLING**—Aug. 17. Frank Fisher—Selling liquor without a license; complaint quashed.

**LIQUOR SELLING**—Aug. 17—Bob Gardner—Selling liquor without a license; defendant discharged.

**GROSS CHEAT**—Aug. 17—F. C. Parker—Case ordered dismissed.

**LIQUOR SELLING**—Aug. 17—Fred Myers—Selling liquor without a license; case ordered dismissed.

**GAMBLING**—Aug. 17—Territory vs. Tai Hung; case ordered dismissed.

**PROFANITY**—Aug. 22—Goo Yuen—Dismissed for want of jurisdiction.

**EMBEZZLEMENT**—Aug. 24, 1900—Eugene Avery—Court directs verdict of acquittal, alleging insufficiency of evidence.

**SOLICITATION**—Sept. 4, 1900—Manuel Phillips—Defendant discharged, the law held to be unconstitutional.

**LIQUOR SELLING**—Sept. 6—E. C. Macfarlane—Unlawful sale of liquor; indictment quashed and defendant discharged.

**LIQUOR SELLING**—Sept. 6—J. P. Hayward—Unlawful sale of liquor; indictment quashed.

**THREATS**—Nov. 8—Chung Hong Cho—Convicted in District Court of making threats; case dismissed.

**FORGERY**—Nov. 16—John Antonio—Jury instructed to acquit.

**OPHIUM**—Nov. 16—William McCarthy—Case ordered dismissed.

**PRACTICING MEDICINE WITHOUT LICENSE**—Dec. 19—W. S. Noblitt—Defendant discharged, court holding that he could not be prosecuted under Hawaiian law. Was convicted in District Court.

**OPHIUM**—Feb. 12—Ah Noy—Opium in possession; fined \$50 in District Court; law declared unconstitutional.

**OPHIUM**—Jan. 23—Lap Chu—Opium in possession; convicted in lower court; law held to be unconstitutional.

**OPHIUM**—Jan. 23—Tau Chu—Having opium in possession; fined \$50 by Judge Wilcox; released on same ruling.

**OPHIUM**—Feb. 17—Oh Chong—Violating opium law; serving sentence in Oahu prison; ordered released.

**ASSAULT**—April 11—John Mathua—Assault and battery on police officer; jury instructed to acquit.

**ASSAULT**—April 11—Ah Noy—Opium in possession—Law held unconstitutional; defendant discharged.

**OPHIUM**—Choy Kung—Opium in possession; same disposition.

**OPHIUM**—Ah Kwai—Same charge and same disposition.

**OPHIUM**—Nee Young—Same as above.

**OPHIUM**—Lock Sui—Same as above.

**OPHIUM**—Fung Mung—Same as above.

**OPHIUM**—Ah Hop—Same as above.

**OPHIUM**—Ah Chin—Same as above.

**OPHIUM**—Ah Leong—Same as above.

**ASSAULT**—April 12—Takamuri, convicted in lower court; dismissed on ground of faulty complaint.

**ASSAULT**—April 22—Ah Chew—Assault and battery; case dismissed.

**ASSAULT**—April 22—Yokayaini—Convicted in lower court; dismissed because of no sworn complaint.

**HEEDLESS DRIVING**—April 23—Taseka—Indictment; released on the ground that court was without jurisdiction.

**LIQUOR SELLING**—April 25—Manuel Souza—Illegal liquor selling; convicted in District Court; dismissed by the court on ground that there was no sworn complaint.

**ASSAULT**—April 25—Mrs. Mon War—Assault and battery; convicted in lower court; case dismissed.

**GAMBLING**—April 11—W. H. Crawford—Convicted of gambling in District Court; indictment ordered quashed.

**LIQUOR SELLING**—Nov. 6—Poloalea—Charged with illegal liquor selling; appeal from District Court; dismissed by court.

DATE, JULY 21, 1902. In action by

**MANS LAUGHTER**—July 21—W. E. Hamilton—Selling five years sentence; court held that there was no sworn complaint; jury to be tried. Judge released the defendant and said he was sorry he could not give him back the money he had advanced for his prison. Right of appeal denied.

**MURDER**—July 21—Thara Ichigoro—Fought guilty by jury of ten; sentenced to be hanged, and afterwards sentence commuted to life imprisonment; released and afterwards re-arrested on new warrant. High Sheriff Brown assumed to arrest himself for one hour for collecting the prisoner.

**MANS LAUGHTER**—July 21—Osaki Mankicho—Selling five years sentence; released for same reason as last case.

**MANS LAUGHTER**—July 21—Yamane Nemuro—Selling five years in prison.

**MURDER**—Aug. 11—Chida Manzaburo—Selling sentence for murder in first degree, to which he pleaded guilty. Released on habeas corpus, though similar case was pending in the Supreme Court. Same reason as last case.

**MURDER**—Aug. 20—George Wade—Selling life sentence for murder. Released on habeas corpus. Appeal to Supreme Court denied. Same reason as last case.

**RAPE**—Aug. 21—Ah Quong—Selling life sentence for rape. Released, same reason as last case. Appeal denied.

**MURDER**—Aug. 21—Chida Manzaburo—Selling sentence for Kahuku murder; released on habeas corpus, the court refusing a continuance to allow the attorney general time to prepare for trial. Court threatened to punish the officers if he was re-arrested on new warrant.

**MURDER**—Sept. 5—George Wade—Selling life sentence for murder, again released on habeas corpus.

**ADULTERY**—Sept. 6—Hoshide—Adultery, appeal, discharged because proceedings of the lower court had been conducted in the Hawaiian language.

**ASSAULT**—Sept. 10—Ah Soon—Jury directed to acquit.

**MANS LAUGHTER**—Sept. 11—Nakamura—Manslaughter in the first degree; grand jury indictment. Evidence of a ten year old boy who witnessed the crime ruled out, and the court thereupon instructed the jury to return a verdict of acquittal.

**MURDER**—Sept. 15—Osaki Mankicho—Selling 20 year sentence for murder, released on ground of faulty complaint; warrant returned holding that the complaint must be signed by a witness to the crime.

**BURGLARY**—Sept. 20—Ah Oi—Former conviction held to be unconstitutional.

**GAMBLING**—Nov. 8—Ah Ung—Appeal from District Court; discharged after conviction.

**GAMBLING**—Nov. 8—Ah Chong—Appeal from District Court; discharged after conviction.

**GAMBLING**—Nov. 8—Ah Tim—Appeal from District Court; discharged after conviction by jury.

The three men above named were re-arrested, and later found guilty by a jury.

**ASSAULT AND BATTERY**—Feb. 4—Ah Kiu—Appeal from District Court; dismissed.

**MURDER**—Feb. 5—Thara Ichigoro—Indicted for killing Yee Fook Sing; jury instructed to acquit.

**MURDER**—Feb. 5—Chida Manzaburo—Indicted by grand jury; jury instructed to return a verdict of not guilty.

**MURDER**—Feb. 5—Yamane Nemuro—Indicted by grand jury; jury directed to acquit.

**MURDER**—Feb. 5—Osaki Mankicho—Indicted for murder of Yee Fook Sing; released by court.

**MURDER**—Feb. 5—Yamane Nemuro—Indicted for murder of Yee Fook Sing; verdict of acquittal directed.

**MURDER**—Feb. 5—Chida Manzaburo—Indicted for murder in first degree (Lee Ling Cheong); verdict of acquittal directed.

**MURDER**—Feb. 5—Osaki Mankicho—Murder of Yee Fook Sing; released by court.

**MURDER**—Feb. 5—Yamane Nemuro—Indicted for murder of Chew Foon Ming; directed verdict of acquittal.

Appeal pending in similar case in U. S. Supreme Court, but continuance denied the attorney general.

**MURDER**—Feb. 5—Chida Manzaburo—Murder of Yee Fook Sing; released by court.

**MURDER**—Feb. 5—Yamane Nemuro—Indicted for murder of Chew Foon Ming; directed verdict of acquittal.

**DESERTION**—Feb. 4—Mrs. Noll Markle—Desertion of husband. Convicted in lower court; dismissed by court, who held law to be unconstitutional.

**DESERTION**—Feb. 4—Mrs. Garcia—Desertion of wife; sentenced in lower court; dismissed for same reason.

**ASSAULT**—Feb. 6—John Sylvia—Found guilty in District Court; sentenced to prison for 10 days; complaint alleged to be defective and case dismissed.

**RIOT**—Feb. 6—M. Arita—Ten days by lower court; released by Circuit Judge.

**ASSAULT**—Feb. 6—Frank Sylvia—Sentenced to jail for 10 days by Judge Wilcox; dismissed by court.

**LIQUOR SELLING**—Feb. 6—Daniel McKenzie—Liquor selling; fined \$100 by Judge Wilcox; court directs verdict for defendant; alleged complaint to be defective.

**RIOT**—Feb. 6—Ogawa—Convicted in District Court; dismissed by court.

**LIQUOR SELLING**—Feb. 17—John Kanaka—Fined \$100 by Judge Wilcox; jury instructed not to consider police evidence, and returned verdict of not guilty.

**RIOT**—Feb. 6—Okimoto—Ten days in lower court; released by court.

**VAGRANCY**—Feb. 17—Louisa Torres—Sentenced by Judge Wilcox to two months' imprisonment and fined \$1 and costs after plea of guilty. Discharged by court.

**VAGRANCY**—Feb. 17—Angelina Rivera—Sentenced to two months at hard labor by Judge Wilcox; discharged by court. Had pleaded guilty in lower court.

**VAGRANCY**—Olivia Lutz—Sentenced to two months at hard labor; had pleaded guilty in lower court, but discharged by Circuit Court.

**GAMBLING**—March 6—Hum Chun—Found guilty of gambling by Judge Wilcox and fined \$10. Dismissed.

**GAMBLING**—March 6—Wong Tuck—Fined \$10; case dismissed by Circuit Court.

**GAMBLING**—March 6—Ung Kee—Fined \$10 in District Court; dismissed by Circuit Court.

**GAMBLING**—March 6—Wong Ung—Fined \$10 by Judge Wilcox; dismissed by Circuit Court.

**GAMBLING**—March 6—Tong Sung—Fined \$10 in District Court; dismissed by Circuit Court.

**GAMBLING**—March 6—Lun Kun—Fined \$10 in lower court; dismissed by Circuit Court.

**ASSAULT**—March 6—Susuki—Fined \$20 by Judge Wilcox; released by Cir-

cuit Court.

**FORGERY**—Feb. 11—Ah Chong—Convicted in lower court and sentenced to term of one year; dismissed by Circuit Court.

**ASSAULT**—Feb. 15—Wong Shoo—Convicted in lower court; discharged, no complaint.

**LARCENY**—Feb. 20—John Mitchell—Indictment for larceny; jury instructed to acquit.

**LARCENY**—Feb. 21—Wm. Rankin—Indicted for larceny; court directs a verdict of not guilty.

**ASSAULT**—March 3—Haguchi—Fined \$20 and costs by Judge Wilcox; dismissed by Circuit Court.

**ASSAULT**—March 6—Hamada—Convicted in lower court and fined \$20; dismissed by Circuit Court.

**MALICIOUS INJURY**—Feb. 25—H. Manabu—Indicted for malicious injury; Davis for defendant. Judge directed verdict of not guilty on the ground that it must be shown that the injury was directed towards procuring witness. Defendant destroyed \$200 worth of furniture, but the court held that he did not know the owner and could not have been maliciously inclined towards him.

**MAYHEM**—March 5—Wm. McCarthy—Indicted for grand jury for mayhem; found guilty by jury; discharged by court on motion of Davis, on ground that mayhem is not a crime in Hawaii. Humphreys in former case had taken opposite view.

**BURGLARY**—March 5—Robert Williams—Indicted for burglary first degree; acquitted by jury; the instruction of the court being not to consider the confession.

**BURGLARY**—March 5—Edgar Williams—Indicted for burglary in first degree; acquitted by jury on instruction of court not to consider confession.

**GAMBLING**—March 6—Ah Yip—Convicted in lower court; dismissed by Circuit Court.

**GAMBLING**—March 6—Ah Nam—Fined \$10 by Judge Wilcox; dismissed by Circuit Court.

**GAMBLING**—March 6—Ah Chuck—Convicted and fined in lower court; dismissed by Circuit Court.

**ASSAULT**—March 6—Takamatsu—Assault and battery; fined \$20 and costs by Judge Wilcox. Dismissed by Circuit Court.

**ASSAULT**—March 6—Takata—Convicted of assault and battery; fined \$20 by Judge Wilcox; released by Circuit Court.

**ASSAULT**—March 6—Mitsuki—Assault and battery; fined \$20 in District Court; dismissed by Circuit Court.

**ASSAULT**—March 6—Shingo Ichiro—Assault and battery; fined \$20 and costs by Judge Wilcox; dismissed by Circuit Court.

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### COURT NOTES.

Judge Robinson yesterday heard the application of A. S. Cleghorn for an order to cite W. R. Castle for contempt in the matter of the estate of Antonio Philip. The motion was taken under advisement, and a decision will not be given until next Monday. A rather curious state of affairs was disclosed at the hearing. The Philip estate has been in the courts for years, and Cleghorn, who was the administrator, thought he had been discharged years ago. Later it developed that there was still a piece of property which in some unaccountable manner had been separated from the rest of the estate, and which the heirs claimed. The title rested in W. R. Castle, but Governor Cleghorn was held to be responsible for it by the court and ordered to turn it into the estate, or else its equivalent, held to be \$1000. Mr. Cleghorn paid the money, and then attempted to recover the property from Castle. The case was in the Supreme Court twice and the final outcome was an order directing Castle to return the property to Cleghorn. Mr. Castle forthwith made a deed of the property, conveying it entire to Cleghorn, and the matter was thought to be closed. Then in comes the administrator again, and in his motion yesterday, alleges that though he got the deed, he could not secure possession of the property. Mr. Castle in his answer to the motion for a contempt citation, stated to the court that he had done everything in his power to comply with the order previously made. He said that he had conveyed the title to Mr. Cleghorn but later he had learned that one of the four heirs under the will had sold it to another party. Consequently Mr. Cleghorn could obtain title to but three-fourths of the property, and he wanted Mr. Castle to secure the remaining one-fourth. Judge Robinson stated his inability to tell exactly what was proper in the premises, and announced that he would give a decision next Monday.

### SUPREME COURT DECISION.

A decision was handed down by the Supreme Court yesterday sustaining the lower court in the case of Jonathan Shaw, tax assessor vs. Chas. W. Booth. By the decision Booth is compelled to pay taxes amounting to \$1500 and an added penalty of \$150 on the Pacific Heights tract, which he had conveyed to C. S. Desky provisionally. The opinion is written by Chief Justice Fear, concurred in by Justice Galbraith. Justice Perry writing a dissenting opinion.

The court holds that the defendant had no objection to the payment of \$100,000 upon the land, but objected to paying \$20,000 assessed for improvements. The court in its syllabus says: "One does not cease to be the owner of a tract of land for the purposes of taxation by merely entering into an executory agreement to convey the same upon certain conditions not yet performed."

"Under a statutory provision that different items of property and different interests in property should be assessed separately, an assessment in good faith to one person of a whole tract which was previously owned by him and which could properly be assessed as a whole to him if wholly owned by him, is not wholly void merely because he had sold a small portion of the tract without the knowledge of the assessor."

"In such case, as in cases of mere overvaluation, the sole remedy is by an appeal from the assessor to the Tax Appeal Court and not by an action or defense in an action at law, and if the party has neglected to make a return as required by the statute he cannot appeal to the Tax Appeal Court and has no remedy."

### IN FEDERAL COURT.

Wade Warren Thayer, as trustee, has filed his second report in the matter of the bankruptcy of C. T. Amara.

Judge Estee overruled the demurrer in the case of McClellan vs. Cofor.

By stipulation filed yesterday the appeal of H. Hamano, in the matter of the protest against the classification of

land of Hawaii is continued, and yet

more is to be taken by the House of Representatives at New York.

Judge Estee overruled his decision in the habeas corpus case of Ah Nee, remanding the petitioner to the custody of the authorities of a State for deportation to China. The court points out many discrepancies in the evidence which had been offered, and concludes as follows:

"At the time the petitioner was alleged to have been born in these islands, the law made it a penal offense for any parent not to report for registration the birth of a child. (Sec. 5 Act of 1891, Compiled Laws of Hawaii, 1891 p. 210.) It is presumed that all infants of children were registered in accordance on behalf of the petitioner in this case. This is a somewhat significant fact. As was said in the recent case of United States vs. Chuter, 112, affirmed on appeal from this court, 111 Fed. Rep. 890, the means of showing that he does not come within the restricted class 'is presumably under his own control.'"

"The testimony of the petitioner as to his birth, founded upon statements made to him by his mother, and uncorroborated by any but one witness, who in all other respects absolutely contradicts the petitioner, is entirely unconvincing to this court, who is therefore compelled to hold that he has not proven his birth in the islands nor that he is a citizen of the United States."

"It is ordered that petitioner be remanded to the custody of the collector of the Customs with directions to deport him to the country from whence he came."

"ESTEE, Judge."

### ATTORNEYS MUST KEEP OUT.

The circuit judges joined yesterday in the following order, which was posted conspicuously in every available place in the judiciary clerk's office:

"No one but the clerks and officers of the court (other than attorneys) will be allowed behind the counters of the clerk's office."

"By the Court."

"GEORGE LUCAS, Clerk."

The order includes attorneys and newspaper men, and its purpose is, it is said, to assist clerks in caring for the papers as they are filed.

### CIRCUIT COURT NOTES.

The master's report in the matter of the estate of Yee Chew Faw was approved yesterday, and F. E. Thompson was allowed a fee of \$100. The accounts of the administrator are found to be correct.

The lien has been discharged in the case of Levers & Cooke vs. J. W. Lake, the amount having been paid.

### Live Stock Men to Meet.

The second meeting of the Hawaiian Live Stock Association will be held today at Castle & Cooke's directory room. The committee having in charge the matter of a herd book will report plans for the keeping of a register of the live stock bred on the islands. The system which is proposed is that which is in use in the American Association, and there will be identical rules according to the proposed plan. The committee having the matter in charge is composed of Eben Low, Julian Monaghan and Colonel Cornwell, but the latter is absent though the plan was acceptable to him, and the report signed before his departure. The committee is composed of Alfred W. Carter, W. P. Dillingham and H. M. von Holt. The plan is said to make the association as close to that of the American body as possible.

### Managers Meet Planters.

Members of the executive committee of the Planters' Association met yesterday with managers



## PLANS FOR WIRELESS

### Merchants and the Sugar Men May Move.

If the merchants and sugar factors of the city are sufficiently interested in wireless telegraphy to make a guarantee covering the estimated cost of operation of the system, and the creditors of the corporation are willing to hold off for a time in their legal efforts to enforce their claims, the Marconi system will be again operated. The stockholders of the company have decided to make one more effort to send messages through space, and they are meeting with some success.

At the meeting held yesterday afternoon in the directors' room of Castle & Cooke, although there was a minority of the stock represented and adjournment was taken until Thursday of next week, the various methods for the reorganization of the system were discussed at some length. The Treasurer of the company read a statement of the balance sheet of the company, which showed that there is only \$14,000 owing in sundry bills, and most of the creditors for the amounts on the list have signified their intention to permit any arrangement which will allow the company to resume its workings.

It was reported to the stockholders that a member of a sugar firm has offered to circulate an agreement, to guarantee a certain sum to the company, among the merchants and agents of the city, and that he thought by this method something like \$700 a month could be secured in guarantees. It was understood that this was to be paid for service, and any excess messages were to be charged at the same rates. There was a further agreement that the creditors were to be persuaded that the only way that they could hope for a speedy payment was to permit the company to operate for a year at least, so that the subscribers to the fund might be assured that they would have a service in return for their money, and not be placed in the position of making a guarantee only to find that the system was to be closed down as soon as some creditor wanted to collect a small bill.

The officers of the company made up a statement of the expenses of carrying on the business of the company, and the indebtedness, and a draft of the agreement which would serve to give them the necessary assurance that they might go ahead and put the system in use, both of which are to be placed in the hands of the business men who have taken an interest in the reorganization of the service, and which is to be circulated among the various firms during the coming week. It is estimated that it will take about \$500 a month to do anything with the service, and to make it what it should be of course make the cost greater than that amount.

One of the most important pieces of business done was the expression of belief, on the part of several of the directors present, that the cost of messages should be halved. The guarantee was drawn with the statement in it that the rate should be \$1 a message of ten words, address and signature counted, while the cost per word additional was to be ten cents. This, it is thought, will popularize the service, and will make it much more likely to be the success that its promoters and stockholders still think it will be, with the new instruments and appliances.

## PROBATE MATTERS IN CIRCUIT COURT

(From Saturday's daily.)

Judge Robinson yesterday denied the motion for adjournment and judgment in the case of *Carroll A. Long vs. E. C. Macfarlane et al.* This is the suit brought at the instance of the Hogan troupe against the local hut which agreed to furnish the money to bring the minstrels to Honolulu.

Judge Gear yesterday referred the accounts of the B. P. Bishop estate trustees to George Davis as master. This is the fattest master's job in the courts.

George Chalmers was yesterday appointed administrator of the estate of Mary Ann Chalmers, under a bond of \$5,000.

Miss Alice F. Beard was appointed guardian of the *Clemm* minors. Humphreys remitted all costs. The same order was made as to John Arnold Rosario, a minor.

A petition was filed yesterday asking the approval of Judge Gear of the sale of certain real estate of James Love to Young Anin, for the sum of \$19,000. George Davis is trustee of the property of the former, and approves the deal, having been unable to secure a bid of \$20,000 at public auction.

J. M. Vivas has been appointed trustee for *Jacinta Walsh*, a minor, for the purpose of withdrawing certain monies from the First National Bank.

C. E. Reynolds has been appointed commissioner by Judge Humphreys to partition the real estate in the suit of *Victoria S. Buffandeau vs. A. A. Montano*.

Anton Helgesen has been appointed administrator of the estate of Anna K. Jack.

Judge Humphreys signed an order yesterday for the distribution of the estate of *Geraldo Jose Rocio*. Half goes to the widow, and the other half to the four children, share and share alike.

W. A. Wall, as commissioner in the case of *Reyes vs. Callahan et al.*, made a report yesterday recommending a division of the disputed property into five parts.

Patrick Walsh was fined \$50 by Judge Humphreys yesterday morning for interfering with his former wife. The case was before the court upon a motion for the appointment of a trustee for the girl, and after the hearing she returned and told Humphreys that Walsh had used threatening language

## HACKFELD BUILDING IS FORMALLY OPENED

(From Saturday's daily.)

Yesterday morning, the formal opening of the new Hackfeld building was held. The building, which is the largest and most modern of its kind in the city, was opened by the Honorable Mr. J. H. King, who was accompanied by a large number of the city's prominent citizens. The building is situated on the corner of Fort and Queen streets, and is a fine example of modern architecture. It is a three-story building, with a large central hall and many smaller rooms. The building is owned by the Hackfeld family, and is being used as a headquarters for their business.

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## CANAVARRO RECEPTION

### Portugal's Consul Is Welcomed Home.

CONSUL A. De Souza Canavarro was welcomed back to Hawaii, after his extended trip to his mother country, by the Portuguese citizens of Honolulu Saturday evening. The greeting given to the beloved official was a most cordial one.

The Consul, who has been absent for some time, returned to his home in the city of Honolulu. He was accompanied by his family and a large number of friends. The Consul is a well-known and popular figure in the city, and his return was a cause for much rejoicing.

The Consul is a well-known and popular figure in the city, and his return was a cause for much rejoicing. He is a man of many talents, and has done much for the city during his time as Consul. He is a man of many talents, and has done much for the city during his time as Consul.

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## Grip's Legacy

How the After-Effects of This Disease May be Driven Away.

Mr. Robert G. Yates, of No. 24 Clark street, Dubuque, Iowa, was left more able with the after-effects of the grip until he took Dr. Williams' Pink Pills for Pale People. He restored him to perfect health. He tells the story as follows:

"I was taken with the grip on Christmas Eve, 1899, and suffered from it for three months. When I was over that, it left me a physical wreck. I was restless and sleepless, with constant pains in my limbs. I felt away in flesh, lost my appetite, was tired out for no reason, and became generally miserable."

"Finally, when things were looking pretty blue for me, one day I noticed a piece in the paper about a man living in Kansas who had been cured of a somewhat similar complaint of some years' standing, by the use of Dr. Williams' Pink Pills for Pale People. So I decided to try them. I felt better before I finished one box. I kept on taking them and they cured me. Now I am past sixty-three years of age; I enjoy perfect health and, thanks to Dr. Williams' Pink Pills, I can do a good day's work again. I am as hale and hearty as many men much younger than I, have a splendid appetite and can go to sleep a few minutes after retiring."

"I might also add that before I began taking Dr. Williams' Pink Pills I had suffered for about seventeen years with rheumatism but I have not felt any of it since. They are a wonderful medicine and I have no doubt but that they saved my life."

With each recurring epidemic of the grip it is more evident that the disease leaves in its wake a train of stubborn ailments that often baffle the skill of physicians. Loss of flesh, thin blood, nervousness, shortness of breath, exhaustion after slight exertion—so that it is often difficult to walk up stairs—these are a few of the symptoms of after-effects of the grip. More serious results often follow and grip has come to be regarded as the highroad to pneumonia, bronchitis and even consumption.

Dr. Williams' Pink Pills for Pale People are sold by all dealers or will be sent postpaid on receipt of price, fifty cents a box; six boxes for two dollars and a half, by addressing Dr. Williams Medicine Co., Schenectady, N. Y.



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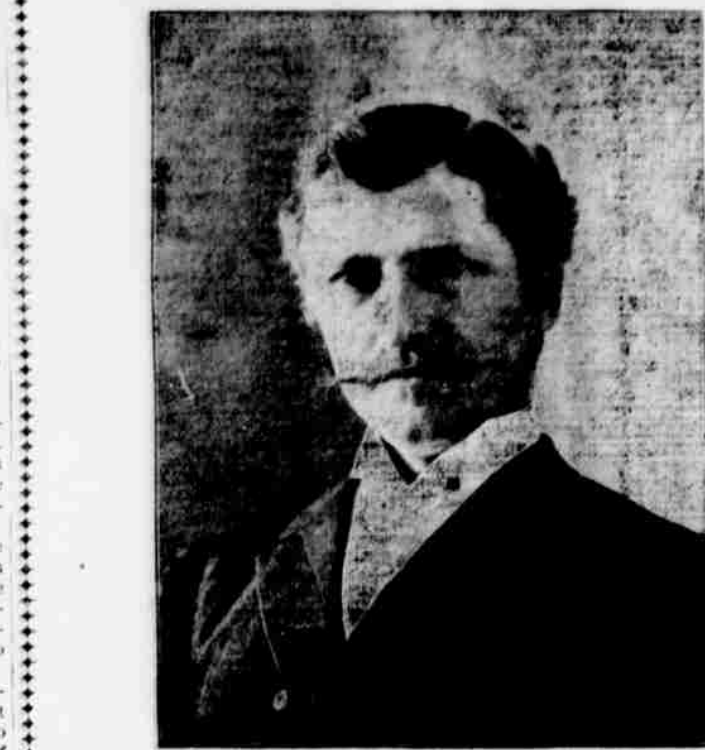
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J. F. HACKFELD.

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## SOME LOCAL ITEMS.

(From Saturday's daily.)

Word came to the Mauna Loa just as she was leaving Kona, that the gasoline launch of the steamer *Hanalei*, which was last Tuesday at Puna in twenty-five fathoms of water, had been located through her oil rising to the surface.

The Mauna Loa, from Hawaii and Maui, arrived at 6 a. m. yesterday. Her cargo consisted of 250 bags of sugar, 75 bags of coffee, 205 bags of taro, 420 bags of wax, 118 bundles of bananas, 29 logs of butter, five bundles of hides, 39 pigs, 30 head of cattle and 256 packages of sundries. Four thousand bags of sugar were reported ready at Honolulu and 5000 bags of the Hawaiian Agricultural Company's sugar.

The *Gauche*, from the Orient, was sighted at 12:30 p. m. yesterday and docked at the Channel wharf about 3 o'clock. She sailed from Hongkong February 25; Shanghai, March 4; Nagasaki, March 6; Kobe, March 8; and Yokohama, March 11.

The weather was good until the last four days of the voyage, when head seas and strong winds prevailed. The *Gauche* brought 330 tons of freight for here, 25 passengers for San Francisco, and 400 Japanese for these islands. She sailed for the Coast at an early hour this morning.

The police are puzzled over the curious actions of a woman who paid Dr. Cooper's residence on Alakea street a visit last night while the family were out and only the hired girl on the premises.

About 9 o'clock a knock came at the door and a woman pushed herself in and commenced bustling about the rooms. The servant asked what business she had there, and the woman replied that Mrs. Cooper had sent her to get something.

This reply did not suit the girl, however, who told her visitor to get out of the house. The woman refused to go, however, so the girl armed herself with flat irons and proceeded to eject the intruder. A hair pulling match ensued, but finally the servant got the best of her opponent, and ejected her.

She says that as soon as she put the woman outside the door the latter called out, "O, help me," and on looking up the girl saw a hack standing outside the house with two men in it, who helped the woman into the vehicle and drove away.

The police think that the woman's object was undoubtedly robbery, and that she was practicing a favorite trick of mainland crooks.

## PASSENGERS HAD A THROUGH RIDE

The unbusiness-like manner in which the passengers of the *Mauna Loa* were shown yesterday afternoon about 5 o'clock when a car from Waikiki, loaded with passengers who had listened to the band concert at Kaplan Park, reached Kapiolani street, at its junction with Waikiki road. The driver alighted and proceeded to detach the horses preparatory to transferring them to the other end of the car. The passengers were told that they would have to take the next car as the driver's time was up and he had to go to the barn. There were a dozen passengers affected by the order and the "next car," which was directly behind, contained seats and standing room only for three. The passengers failed to move and the driver exhausted his logic on them, but they didn't budge an inch. They told him they had paid fares for a through ride, and as they had secured seats, they intended keeping them, and, furthermore, they did not propose under any circumstances to hang on to the side rails of the towed end of the already crowded "next car." The driver finally put the horses on the towed end of the car, telling the passengers that it wasn't his fault that he gave the order to disembark, but his time was up and he was not allowed overtime pay. The passengers melted at this and made up a little purse to recompense him. He was about to place this in the fare box when he was told he would be mobbed if he gave the money. The money was put in his pocket and the car was soon bowling merrily to town.

## HAVING A RUN ON CHAMBERLAIN'S COUGH REMEDY.

Between the hours of 11 o'clock a. m. and closing time at night on January 25, 1901, A. F. Clark, druggist, Glade Springs, Va., U. S. A., sold twelve bottles of Chamberlain's Cough Remedy. He says, "I never handled a medicine that sold better or gave better satisfaction to my customers." This remedy has been in general use in Virginia for many years, and the people there are well acquainted with its excellent qualities. Many of them have testified to the remarkable cures which it has effected. When you need a good, reliable medicine for a cough or cold, or attack of grip, use Chamberlain's Cough Remedy, and you are certain to be more than pleased with the quick cure which







